MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1201 OF 2007

IN

SUIT NO. 979 OF 1982

A. H. MISTRY & CO. .. PLAINTIFF

Vs.

AWADH NARAYAN SINGH SHIV NAYAK SINGH & ORS. .. DEFENDANTS

Mr. Shailesh Shah with P. N. Ganwani i/b M/s. Malvi Ranchhoddas & Co. for plaintiff

Mr. A. K. Koli for R-6

Mr. MHA Patel, Asstt. Prothonotary & representative of Court Receiver present.

CORAM: **SMT. RANJANA DESAI, J.**

DATE: OCTOBER 4, 2007.

P.C.

. I have heard the learned counsel appearing for the plaintiff and the learned counsel appearing for the defendants, more particularly learned counsel for defendant 6.

2. In my opinion, this motion can be disposed of by recording statement made by the learned counsel for defendant 6. The learned counsel for defendant

6 says that the defendants will file an undertaking in terms of prayer clause (a-I) of the motion within a period of two weeks from today.

3. In view of the statement made by learned counsel for defendant 6, which this court has accepted, no further order is necessary on the motion at this stage.

4. Needless to say that in case defendant 6 does not file such an undertaking, prayer (a-I) shall revive.

5. Motion is disposed of.

JUDGE.